

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicants : Jahn et al. |) | Examiner: |
| |) | Li Zheng |
| Serial No. : 10/538,434 |) | |
| |) | Art Unit: |
| Cnfrm. No. : 2309 |) | 1638 |
| |) | |
| Filed : December 17, 2003 |) | |
| |) | |
| For : RECESSIVE PLANT VIRAL RESISTANCE |) | |
| RESULTS FROM MUTATIONS IN |) | |
| TRANSLATION INITIATION FACTOR eIF4E |) | |

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In response to the November 28, 2008, written restriction requirement, applicants hereby elect, with traverse, Group VI (i.e. claims 50-58, to the extent directed to use of an amino acid sequence at least 85% similar to a non-mutant translation initiation factor eIF4E of SEQ ID NO: 2 and containing at least one substitution of at least one amino acid residue of SEQ ID NO: 2 selected from the group consisting of T51A, P66T, V67E, K71R, L79R, G107P, and D109R).

The U.S. Patent and Trademark Office ("PTO") asserts that the inventions of Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1, because, under PCT Rule 13.2, they lack the same or corresponding special technical features. Duprat, et al., "The *Arabidopsis* Eukaryotic Initiation Factor (iso)4E is Dispensable for Plant Growth but Required for Susceptibility to Potyviruses," *Plant J.* 32:927-34 (2002) ("Duprat") is cited in support of this position. Applicants respectfully disagree with respect to Groups III to VI.

Duprat teaches eIF(iso)4E is required for susceptibility to potyviruses. Duprat fails to teach or suggest a method of imparting virus resistance to plants by providing a nucleic acid molecule encoding a heterologous translation initiation factor eIF4E. Since Duprat does not teach or suggest the claimed invention, this reference cannot form a proper

basis for concluding that the claimed invention of Groups III-VI does not constitute a special technical feature over the prior art.

Accordingly, the restriction requirement should be withdrawn.

Respectfully submitted,

Dated: January 28, 2009

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